

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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| APPLICATION OF PHOENIX NETWORK, INC. |) | |
| FOR A CERTIFICATE OF PUBLIC CONVENIENCE |) | |
| AND NECESSITY AS A NONDOMINANT CARRIER |) | CASE NO. 91-409 |
| TO OFFER COMPETITIVE INTRASTATE |) | |
| INTERLATA SERVICES |) | |

O R D E R

IT IS ORDERED that Phoenix Network, Inc. ("Phoenix") shall file the original and ten copies of the following information with the Commission. The information requested shall be placed in a bound volume with each item tabbed.

The information requested herein is due no later than 30 days from the date of this Order. If the information cannot be provided by this date, Phoenix shall submit a motion for an extension of time stating the reason a delay is necessary and include a date by which it can be furnished. Such motion will be considered by the Commission.

1. Has Phoenix or any of its affiliates ever provided, and/or collected any money for the provision of, intrastate telecommunications services in Kentucky? If so, explain in detail.

2. If Phoenix intends to resell tariffed services of facilities-based carriers, identify these tariffed services and specify whether these services will be obtained from intrastate or interstate tariffs.

3. If Phoenix intends to resell services that are not available under an approved tariff, provide copies of the contracts which govern the terms of the agreement between Phoenix and its facilities-based carriers.

4. If possible, specify the Kentucky counties which Phoenix proposes to serve.

5. Explain how intraLATA traffic will be screened if Phoenix intends to resell services or facilities authorized only for interLATA traffic but which can carry intraLATA traffic.

6. State whether Phoenix is aware of the potential impact of Administrative Case Nos. 323¹ and 328,² now pending before this Commission, and how they may apply to Phoenix's Kentucky operations.

7. State whether Phoenix is aware that any special/dedicated access services shall be provided under the following conditions:

a. Phoenix shall measure and report interstate and intrastate jurisdictional usage and interLATA and intraLATA usage, pending further Order of the Commission in Administrative Case No. 323.

¹ Administrative Case No. 323, An Inquiry Into IntraLATA Toll Competition, An Appropriate Compensation Scheme for Completion of IntraLATA Calls by Interexchange Carriers, and WATS Jurisdictionality.

² Administrative Case No. 328, Investigation Into Whether WATS Resellers Should Be Included in the ULAS Allocation Process.

b. Phoenix shall inform its prospective customers that the Commission has not authorized it to market or tariff these services to complete intraLATA calls, pending the implementation of intraLATA competition pursuant to Administrative Case No. 323.

c. Phoenix shall be prepared to compensate local exchange carriers for unauthorized intraLATA call completion.

8. Provide estimates of sales revenues for Phoenix's first 2 years of Kentucky operations. Explain how Phoenix arrived at these estimates. If estimates are based upon a market study, provide a copy of this study.

9. Provide a listing of financial institutions with which Phoenix has a line of credit. State Phoenix's credit line with each of these institutions.

10. Describe the qualifications and experience of personnel directly responsible for providing the proposed services.

11. Provide a toll-free number or provision for accepting collect calls for customer complaints.

12. Refer to Original Sheet 7, Section 1.5 of the proposed tariff. The carrier may require a security deposit to insure payment of bills in accordance with 807 KAR 5:006, Section 7, but cannot refuse service based on an applicant's credit record. Provide a revised tariff sheet.

13. Refer to Original Sheet 9, Section 1.9(c). A late payment penalty may be applied only once to each delinquent monthly bill for service. When a penalty is assessed due to late payment, any payment received shall first be applied to the bill for services rendered. Additional penalty charges in subsequent bills shall not be assessed to unpaid penalty charges. Provide a revised tariff sheet.

14. Refer to Original Sheet 9, Section 1.9(d). The costs of legal actions and the liability therefor are determined by the court in which the action is taken. Provide a revised tariff sheet deleting this provision.

15. Refer to Original Sheet 11, Section 1.12(b). 807 KAR 5:006, Section 11, sets forth the basis for discontinuance of service. There is no regulatory provision for discontinuance of service for lack of use or for exceeding a credit limit. Provide a revised tariff sheet.

16. Refer to Original Sheet 22, Section 3.5. Provide a revised tariff sheet in accordance with questions 13 and 14 above.

Done at Frankfort, Kentucky, this 30th day of December, 1991.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director